

ADJOURNMENT

On motion of Senator Moore the Senate at 12:46 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(April 14, 1975)

S.B. 523

S.B. 377

S.B. 164

S.B. 48

S.B. 233

FIFTY-THIRD DAY

(Tuesday, April 15, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Brooks, Hance and McKnight.

A quorum was announced present.

The Reverend Fred Underwood, Dolores Catholic Church, Austin, Texas, offered the invocation as follows:

Heavenly Father, we thank and praise for a new beautiful day, for our free and

wonderful country, for this group of dedicated Senators, but especially for giving us Your Divine Son to be our Way, our Truth, and our Life.

Jesus, we thank You for being here with us today; for You said, "wherever two or more are gathered in My Name, there I am in their midst". So may each of us be aware of Your presence at this time.

And Jesus, send Your Holy Spirit into each Senator today that they will be guided by Your love, Your power, and Your wisdom to formulate and pass legislation inspired by You. And being inspired by You may this legislation alleviate social ills, help the poor, relieve the oppressed and serve as a guide for all of us to live as good citizens in our grand state of Texas. May all this be done for the praise and honor of our Heavenly Father. This we pray in Jesus name and through the power of His Holy Spirit, one God forever and ever. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Hance was granted leave of absence for today on account of official business on motion of Senator Aikin.

Senator Brooks was granted leave of absence for today on account of official business on motion of Senator Gammage.

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

REPORTS OF STANDING COMMITTEES

Senator Gammage, Vice-chairman, submitted the following reports for the Committee on Human Resources:

H.B. 135
H.B. 768
S.B. 883

Senator Andujar, Acting Chairman, submitted the following reports for the Committee on Human Resources:

S.B. 600
S.B. 816

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 717
S.B. 396

S.B. 608
S.B. 1008
H.B. 617
S.B. 950
H.B. 784 (Amended)
S.B. 537 (Amended)
S.B. 606 (Amended)
C.S.S.B. 698 (Read first time)
House amendments to S.B. 115 (Concur)

SENATE BILL AND RESOLUTION ON FIRST READING

By unanimous consent the following bill and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Lombardino:

S.B. 1035, A bill to be entitled An Act relating to the promotion of prostitution; amending Subsection (a), Section 43.03, Penal Code; and declaring an emergency.
To Committee on Jurisprudence.

By Senator Moore:

S.C.R. 54, Granting Vince J. Luza permission to sue the State.
To Committee on Administration.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read:

April 15, 1975

The Honorable Charles Schnabel
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mr. Secretary:

In a letter dated April 14, 1975, Mrs. Smythe Shepherd requests the withdrawal of her nomination to the Board of Regents of Lamar University. Therefore, I respectfully request the return by the Senate of Mrs. Smythe Shepherd's name which was submitted to you for confirmation.

Sincerely,
DOLPH BRISCOE
Governor of Texas

There being no objection, the request was granted and the nomination of Mrs.

Smythe Shepherd to be a Member of the Board of Regents of Lamar University was returned to the Governor.

SENATE BILL 115 WITH HOUSE AMENDMENTS

Senator Moore called **S.B. 115** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend **S.B. 115** as follows:

Amend page 11, line 4 by substituting a period for the semicolon after the word "district" and deleting the remaining words on line 4 and deleting all of lines 5, 6, and 7.

COMMITTEE AMENDMENT NO. 2

Amend **S.B. 115** as follows:

Amend page 12, line 21 after "tributaries" by inserting the words "for authorized beneficial uses,"

COMMITTEE AMENDMENT NO. 3

Amend **S.B. 115** by striking out Section 3 on page 12, line 24 and inserting a new Section 3 which shall read as follows:

"Sec. 3. It is now declared to be the public policy of this state that any and all rights of the district hereby created to impound and/or use and/or sell the waters of the Colorado River and its tributaries for the generation of hydroelectric ~~(hydro-electric)~~ power shall be subordinate and inferior to the rights of cities and towns situated within the boundaries of the district ~~(watershed of the Colorado River and its tributaries)~~ to build dams and impound flood waters solely for municipal purposes, and subordinate and inferior to the rights of cities and towns and bodies politic within the watershed of the Colorado River outside of the district to build dams or impound flood waters for municipal purposes; and likewise the rights of the said district hereby created, to impound and/or use and/or sell said waters for the generation of hydroelectric ~~(hydro-electric)~~ power, shall be subordinate and inferior to the rights of ~~(any citizen of Texas, or)~~ bodies politic within the watershed of the Colorado River to build dams and impound the flood waters within the watershed of the Colorado River and its tributaries within the boundaries of the district for domestic purposes ~~(and for the purposes of irrigation)~~ and outside the boundaries of the district for domestic purposes, and the title to any and all rights, properties, licenses, franchises, and/or permits hereafter acquired ~~(or to be acquired)~~ by the Lower Colorado River Authority shall be and become subject to the limitations imposed by this section."

COMMITTEE AMENDMENT NO. 4

Amend **S.B. 115**, Section 4, line 25, page 13 of the bill, by inserting the word "directors" between the words "such" and "shall."

COMMITTEE AMENDMENT NO. 5

Amend **S.B. 115** by deleting the entire subsection (3), line 26, page 22 substituting new subsections (3) and (4) to read as follows, and renumbering the succeeding subsections in sequential order:

"(3) for the construction of such additional lines and the purchase and installation of such additional equipment as the board of directors of the district may deem necessary or expedient to enable the district to continue to meet the demand for electric power in the areas within the district directly served by its transmission lines and distribution systems on January 1, 1975, and such other areas within the service area served by the authority on January 1, 1975, which cannot receive comparable service from any other power source, provided that no steam generating capacity shall be installed by the district, except the district may acquire, install, construct, and enlarge and make additions to, and operate one or more steam generating plants, the sum of whose aggregate capacity shall not be more than five thousand megawatts, to be located within the boundaries of either one or more of Colorado, Fayette, Bastrop, Travis, Blanco, Burnet, Llano or San Saba Counties, Texas, and to be utilized for the purpose of serving the area directly served by the district's transmission lines and distribution systems on January 1, 1975; and (4) to own or acquire an interest in one or more steam generating plants at any location in or out of the district, if any such plant or plants are owned in conjunction with one or more other utilities, public, private or municipal, provided that any such interest owned or acquired by the district shall be utilized for the sole purpose of serving electric power and energy only in the areas within the district directly served by its transmission lines and distribution systems as they existed on January 1, 1975."

COMMITTEE AMENDMENT NO. 6

Amend the engrossed **S.B. 115**, Section 18, line 2 on page 36 by adding a new paragraph at the end of said line 2 reading as follows:

"If any citizen of Texas or of the United States advises the Attorney General of Texas that this section has not been complied with, the Attorney General is authorized after investigation of the complaint and notice to the district to institute the proper legal proceedings, if any are required, to require the district or its successor to comply with this section."

COMMITTEE AMENDMENT NO. 7

Amend **S.B. 115** as follows:

1) Amend Section 22, line 8 of page 38, by adding the following after the word herein: "But neither the adoption of this Act nor anything contained herein shall be interpreted to affect pending litigation involving the Authority or to affect the meaning of Section 9, formerly Section 8, as it existed prior to the adoption of this Act, except where specifically amended." and deleting the last sentence in the paragraph.

COMMITTEE AMENDMENT NO. 8

Amend **S.B. 115**, Section 21, page 38, line 4 of the engrossed bill by adding the word "par" between the words "their" and "value."

COMMITTEE AMENDMENT NO. 9

Amend **S.B. 115** by adding a new Section 23 on page 38, at line 17 to read as follows:

"Section 23. The rights, powers, privileges, authority and functions herein granted to the district and the district itself are expressly subject to Chapters 5, 6, and 21 of the Texas Water Code." and renumbering the subsequent sections in sequential order.

COMMITTEE AMENDMENT NO. 10

Amend **S.B. 115**, Section 20, by adding on page 37, at end of line 16, sentence reading as follows:

"Nothing in this Act shall prevent the district from issuing its bonds under any applicable general law of the State of Texas, provided, however, that no bonds shall be issued which would be in conflict with Section 19 of this Act."

FLOOR AMENDMENT NO. 1

Amend Senate Bill 115, Second Printing, as follows:

(1) Add Subdivision (u) following Subdivision (t) on page 11 to read as follows:

"(u) to enter into contracts with the State of Texas through the State Board of Control providing for direct sale by the district of electrical power to the state for use in buildings or other facilities owned, leased, or rented by the state in Travis County."

(2) On line 12 of page 23 after the figure "1975" and before the period add the following language: "and to provide electrical power to the state as provided in Subdivision (u) of Section 2 of this Act."

(3) On line 27 of page 23 after the figure "1975" and before the bracket add the following language: "and to the state as provided in Subdivision (u) of Section 2 of this Act."

FLOOR AMENDMENT NO. 2

Amend Senate Bill 115, First Printing, as follows:

(1) Amend Section 4 on pages 14, 15, and 16 to read as follows:

"Section 4 [3]. The powers, rights, privileges and functions of the district shall be exercised by a board of 15 [twelve (12)] directors (herein called the 'board'), consisting of at least one [4] director from each of the counties named in Section 1 of the Lower Colorado River Authority Act, with the exception of Travis County which shall have two [2] directors, and one director from the area in Hays County receiving retail service from the district, one director from the area in Kerr County receiving retail service from the district, and one member from an area in another county outside the district receiving service from the district. No county, other than Travis, shall have

two ~~(2)~~ directors for a period greater than six ~~(6)~~ consecutive years. All such shall be appointed by the governor with the advice and consent of the senate for a term of six ~~(6)~~ years to begin on January 1 ~~(the 1st day of January)~~ in odd numbered years and end on December 31 ~~(the 31st of December)~~ six years thereafter ~~(following their appointment)~~; provided that each director shall be a resident of and freehold property taxpayer of the county from which he is appointed and shall have been such for not less than two ~~(2)~~ years next preceding such appointment. Not more than two ~~(2)~~ of such directors shall be residents of the same county. No person shall be eligible for such appointment if he has, during the preceding three ~~(3)~~ years before his appointment been employed by an electric power and light company, telephone company, or any other utility company ~~(of any kind whatsoever)~~.

"At the expiration of the term of any director, another director shall be appointed by the governor with the advice and consent of the senate. Each director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the governor for inefficiency, neglect of duty or misconduct in office, after at least 30 ~~(ten (10))~~ days written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the governor, for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by the Constitution or general statute of the State of Texas.

"Each director shall receive a fee of \$50 ~~(Fifty Dollars (\$50.00))~~ per day for each day spent in attending meetings of the board, and a like per diem for each day spent in attending to business of the district ~~(Authority)~~ when authorized by resolution of the board, together with actual expenses incurred in attending such meetings, and in attending to such business of the district ~~(Authority)~~. It is provided, however, that no director shall be paid per diem in excess of 150 ~~(one hundred and fifty (150))~~ days in any one calendar year.

"~~Nine (Seven (7))~~ directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act or in the bylaws, all action may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than \$10,000 ~~(Ten Thousand Dollars (\$10,000.00))~~ or which is to run for a longer period than a year, and no bonds, notes, or other evidence of indebtedness and no amendment of the bylaws shall be valid unless authorized or ratified by the affirmative vote of at least eight ~~(seven (7))~~ directors, unless otherwise specifically provided for in this Act.

"It is expressly provided, however, that nothing herein shall be construed to prevent the present membership of the Board of Directors of the Lower Colorado River Authority from continuing as such until the expiration of their respective terms of office; and it is the express intent that the present membership of said board shall continue to serve until the expiration of their respective terms of office.

"It is expressly provided that said board of directors is a state board as contemplated by Section 30a of Article 16 of the Constitution of Texas.

"~~[If any portion of this Act is held unconstitutional by a court of competent jurisdiction, the remaining provisions hereof shall nevertheless be valid, the same as if the portion or portions held unconstitutional had not been adopted by the Legislature.]~~"

(2) Amend Section 6 on page 17 to read as follows:

"Section 6 [5]. The moneys of the district shall be disbursed only on checks, drafts, orders or other instruments signed by such persons as shall be authorized to sign the same by the bylaws ~~(By laws)~~ or resolution concurred in by not less than eight ~~(five)~~ directors. The general manager, the treasurer and all other officers, agents and

employees of the district who shall be charged with the collection, custody or payment of any funds of the district shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and property of the district coming into their respective hands, each of which bonds shall be in form and amount and with a surety (which shall be a surety company authorized to do business in the State of Texas), approved by the board, and the premiums on such bonds shall be paid by the district and charged as an operating expense."

(3) Renumber Section 2 on page 38 as Section 3 and add a new Section 2 to read as follows:

"Sec. 2. At the time the initial three directors added to the board of the Lower Colorado River Authority under this Act are appointed, the governor shall designate one to serve until the next appointment of directors, one to serve until the appointment of directors two years following the next appointment of directors, and one to serve until the appointment of directors four years following the next appointment of directors."

FLOOR AMENDMENT NO. 3

Amend S.B. 115 by:

Striking the word "nine" in line 9 on page 8, Second Printing, Section 2(o), and substituting the word "twelve".

Striking the word "12", in line 9 on page 14, Second Printing, Section 4, and substituting the word "fifteen".

Adding the words "There shall be 3 directors appointed at-large by the Governor with the advice and consent of the Senate from the counties served with electric power, other than those counties included in Section 1 of the Lower Colorado River Authority Act, whose powers shall be limited to matters of electricity generation, distribution, and rates or related matters. No director appointed at-large shall serve for a period of more than six consecutive years. No county, other than those included in Section 1 of the Lower Colorado River Authority Act, shall be represented on the board for more than six consecutive years" after the word "directors" in line 13 on page 14, Second Printing, Section 4.

Striking the word "seven" in line 26 on page 15, Second Printing, Section 4, and substituting the word "eight".

Striking the word "seven" in line 8 on page 16, Second Printing, Section 4, and substituting the word "eight".

Striking the word "seven" in line 14 on page 17, Second Printing, Section 6, and substituting the word "eight".

Striking the word "nine" in line 4 on page 25, Second Printing, Section 11, and substituting the word "twelve".

FLOOR AMENDMENT NO. 4

Amend S.B. 115 as previously amended by adding at the end of the first paragraph of Section 18 a new sentence to read as follows:

"No lease of district lands, except one expressly permitted by Section 17 of this Act, is lawful unless it provides for free public use of the lands for recreational purposes and fishing."

The House amendments were read.

Senator Moore moved to concur in House amendments.

The motion prevailed by the following vote: yeas 25, Nay 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Gammage, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Doggett.

Absent: Clower and Jones.

Absent-excused: Brooks, Hance and McKnight.

**VOTE BY WHICH SENATE CONCURRED
IN HOUSE AMENDMENTS TO SENATE BILL 387 RECONSIDERED**

On motion of Senator Williams and by unanimous consent, the vote by which the Senate concurred in House amendments to **S.B. 387** was reconsidered.

Question - Shall the Senate concur in the House amendments to **S.B. 387**?

Senator Williams moved to again concur in House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Brooks, Hance and McKnight.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

H.B. 1749

S.B. 284

SENATE RESOLUTION 404 REREFERRED

On motion of Senator Schwartz and by unanimous consent, **S.R. 404** was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Administration.

SENATE BILL 436 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 436, A bill to be entitled An Act revising the Texas Disaster Act of 1973 etc., and declaring an emergency.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend Section 5 of **S.B. 436** by striking Subsection (c) and adding in lieu thereof, the following:

“(c) The governor shall serve as chairman of the commission. The commission shall elect a vice-chairman and may elect other officers it deems appropriate.”

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Section 5(k) of **S.B. 436** by adding after the word “commission” on line 17 of page 9, the following:

“unless federal law requires that such authority must be exercised by the governor only.”

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Section 3 of **S.B. 436** by adding new Subsections (e) and (f) to read as follows:

“(e) prevent the Governor from exercising any authority when federal law requires such action must be taken by the Governor only

(f) directly or indirectly apply to or affect the operation of the Texas Catastrophe Property Insurance Association.”

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Creighton, Patman, Sherman, Jones and Adams asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 436 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 436** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 17, Nays 11.

Yeas: Andujar, Braecklein, Clower, Doggett, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Ogg, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Creighton, Farabee, Harris, Jones, Meier, Mengden, Moore, Patman and Sherman.

Absent-excused: Brooks, Hance and McKnight.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, April 15, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 61, A bill to be entitled An Act amending Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973 (codified as Article 6228i, Vernon's Texas Civil Statutes), as follows: amending Section 1 to provide for payment of disability and death benefits; amending Section 2(a) to provide for establishment of additional service under specified conditions after retirement; amending Section 3(b) by providing for payment of interest; amending Section 3 by adding Subsection (h) to provide for credit for specified federal service; amending Section 5(b) to provide for calculation of disability and death benefits; repealing laws in conflict herewith; providing a savings clause; and declaring an emergency. (With amendments)

S.B. 75, A bill to be entitled An Act reappropriating the unencumbered balances in certain line item appropriations made to the Texas Schools for the Blind and Deaf (under the State Board of Education); and declaring an emergency. (Passed, subject to Sec. 49A, Art. 3, Constitution of Texas.)

S.B. 507, A bill to be entitled An Act relating to the compensation of river authority directors; amending Section 1, Chapter 182, Acts of the 58th Legislature, 1963 (Article 3946a, Vernon's Texas Civil Statutes); and declaring an emergency.

The House concurred in Senate amendments to **H.B. 169** by record vote of 110 Ayes, 0 Nays, 2 Present-Not voting.

H.B. 522, A bill to be entitled An Act relating to authorizing the Board of Regents of the University of Texas System to negotiate and contract with any individual or any agency, department, or political subdivision of the State of Texas for the construction, maintenance, and operation of a visitor center and related facilities at McDonald Observatory at Mount Locke; amending Chapter 67, Texas Education Code, by adding Section 67.53; and declaring an emergency.

H.B. 807, A bill to be entitled An Act providing lump sum payment for accrued vacation time to a state employee at the time of separation from state employment; and declaring an emergency.

H.B. 848, A bill to be entitled An Act relating to closing the capitol grounds to through traffic; adding Section 4A to Chapter 102, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 678e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 212, A bill to be entitled An Act relating to the pay of election judges and clerks; amending Subsection (a), Section 22, Texas Election Code, as amended (Article 3.08, Vernon's Texas Election Code); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 2 ON THIRD READING

Senator Gammage asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 2, A bill to be entitled An Act relating to alcoholism and intoxication; etc., and declaring an emergency.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up **C.S.S.B. 2** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braeckleir, Clower, Doggett, Farabee, Gammage, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Ogg, Santiesteban, Schwartz, Sherman and Williams.

Nays: Creighton, Jones, Longoria, Mengden, Moore, Patman and Snelson.

Absent-excused: Brooks, Hance and McKnight.

PAIRED VOTE

Senator Traeger (present), who would vote "Nay", with Senator Hance (absent), who would vote "Yea".

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 8, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKinnon, Meier, Ogg, Santiesteban, Schwartz, Sherman and Williams.

Nays: Creighton, Farabee, Jones, Longoria, Mengden, Moore, Patman and Snelson.

Absent-excused: Brooks, Hance and McKnight.

PAIRED VOTE

Senator Traeger (present), who would vote "Nay", with Senator Hance (absent), who would vote "Yea".

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 807, To Committee on State Affairs.

H.B. 212, To Committee on State Affairs.

H.B. 848, To Committee on Administration.

H.B. 522, To Committee on Intergovernmental Relations.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, April 15, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 318, A bill to be entitled An Act prohibiting the purchase of imported beef by state agencies and subdivisions; and declaring an emergency.

H.B. 732, A bill to be entitled An Act relating to remedies available to certain firemen on certain appeals to a district court; amending Section 18, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

**MOTION TO PLACE
SENATE BILL 196 ON THIRD READING**

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time:

S.B. 196, A bill to be entitled An Act relating to the right of eminent domain for the purpose of obtaining access to land in which the state has a mineral interest; amending Chapter 497, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 5421c-7, Vernon's Texas Civil Statutes), by adding a Section 9; amending Chapter 16, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 5421c-10, Vernon's Texas Civil Statutes), by adding a Section 4a; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 11.

Yeas: Adams, Aikin, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Kothmann, Longoria, Mauzy, Ogg, Patman, Santiesteban, Schwartz and Williams.

Nays: Andujar, Braecklein, Creighton, Harris, Lombardino, McKinnon, Meier, Mengden, Sherman, Snelson and Traeger.

Absent: Moore.

Absent-excused: Brooks, Hance and McKnight.

(Senator Aikin in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 415 ON THIRD READING

Senator Andujar moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 415, A bill to be entitled An Act relating to the immunity of witnesses in the process of the school book selection from civil liability; providing a remedy for witnesses who are sued; and declaring an emergency.

The motion prevailed by the following vote: Yeas 21, Nays 6, Paired Vote 1.

Yeas: Adams, Andujar, Braecklein, Doggett, Farabee, Gammage, Harris, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Clower, Creighton, Harrington, Mauzy and Patman.

Absent-excused: Brooks, Hance and McKnight.

PAIRED VOTE

Senator Jones (present), who would vote "Yea", with Senator Hance (absent), who would vote "Nay".

The Presiding Officer laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 8, Paired Vote 1.

Yeas: Adams, Andujar, Braecklein, Doggett, Farabee, Gammage, Harris, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Clower, Creighton, Harrington, Kothmann, Longoria, Mauzy and Patman.

Absent-excused: Brooks, Hance and McKnight.

PAIRED VOTE

Senator Jones (present), who would vote "Yea", with Senator Hance (absent), who would vote "Nay".

COMMITTEE SUBSTITUTE SENATE BILL 319 ON SECOND READING

Senator Patman moved to suspend the regular order of business to take up for consideration at this time:

C.S.B. 319, A bill to be entitled An Act relating to the structure and administration of the executive branch of the state government; creating the Joint Advisory Committee on Government Operations; providing for its membership, office terms, organization, compensation, expenses, powers, and duties and making provisions relative thereto; providing for cooperation by other state agencies and departments; providing for the primary term of the life of the committee; requiring certain reports to the legislature; and declaring an emergency.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Andujar, Braecklein, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Creighton, Harris and Moore.

Absent-excused: Brooks, Hance and McKnight.

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 319** by striking all of Section 4.(a), and substituting in lieu thereof the following:

"(a) The committee consists of the lieutenant governor, the speaker of the house of representatives, the secretary of state, and other members appointed as provided by this section."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 319** by striking the word "four" in Section 4(b), line 34, and substituting in lieu thereof the word "nine."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 319** by adding a new subsection "(c)" under Section 6 to read as follows:

"(c) The duties to be performed by each public official or employee appointed to the committee shall be considered duties in addition to those otherwise required by that person's office."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 319** by striking the word "Seven" in Section 8, line 60, and substituting in lieu thereof the word "Ten".

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for **S.B. 319** by adding a new Section 11, and renumbering sections thereafter accordingly, to read as follows:

"Section 11. The legislature shall appropriate money necessary to carry out the provisions of this Act in the General Appropriations Act for the biennium ending August 31, 1977, or in special appropriation acts for the purpose. Private funds including public or private foundation funds may be used to defray the cost of conducting any of the affairs of the committee upon authorization by the committee."

(President in the Chair)

The amendment was read and was adopted.

RECORD OF VOTES

Senators Moore and Clower asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Aikin, Creighton, Harris and Moore asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 319 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.B. 319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Adams, Andujar, Braecklein, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Creighton, Harris and Moore.

Absent-excused: Brooks, Hance and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4.

Yeas: Adams, Andujar, Braecklein, Clower, Doggett, Farabee, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Creighton, Harris and Moore.

Absent-excused: Brooks, Hance and McKnight.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, April 16, 1975

H.B. 245 - Senator Mauzy
H.B. 768 - Senator Longoria
H.B. 784 - Senator Snelson
S.C.R. 38 - Senator Traeger
C.S.S.B. 69 - Senator Moore
S.B. 96 - Senator Ogg
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
S.B. 131 - Senator Meier
S.B. 154 - Senator Jones
S.B. 155 - Senator Jones
C.S.S.B. 162 - Senator Harris
S.B. 228 - Senator Moore
C.S.S.B. 244 - Senator Ogg
S.B. 247 - Senator Farabee (Third reading)
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 262 - Senator Doggett
C.S.S.B. 270 - Senator Doggett
S.B. 307 - Senator Jones
S.B. 309 - Senator Snelson
C.S.S.B. 397 - Senator Doggett
S.B. 401 - Senator Lombardino
S.B. 405 - Senator Sherman
C.S.S.B. 412 - Senator Harris
S.B. 485 - Senator Farabee
S.B. 497 - Senator Mauzy
S.B. 520 - Senator Mauzy
S.B. 637 - Senator Gammage
S.B. 705 - Senator Mauzy
S.B. 710 - Senator Mauzy
S.B. 834 - Senator Moore
S.B. 869 - Senator Clower
S.B. 925 - Senator Moore
S.B. 950 - Senator Snelson
S.B. 986 - Senator Moore
C.S.S.B. 1004 - Senator Brooks
S.J.R. 11 - Senator Gammage (Motion to concur)